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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

DP CREATIONS, LLC dba BOUNTIFUL
BABY, a Utah Limited Liability company,

Plaintiff,

v.

KE YI KE ER SHENZHEN TOYS CO., LTD.
dba MIAIO TOYS, an unknown Chinese
business entity,

Defendant.

Case No: 2:23-cv-00311-CMR

**DECLARATION OF BRIAN N. PLATT
IN OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION**

Magistrate Judge Cecilia M. Romero

I, Brian N. Platt, declare as follows:

1. I am a shareholder of the law firm of Workman Nydegger and lead counsel for Plaintiff, DP Creations, LLC dba Bountiful Baby ("Bountiful Baby") in the above-captioned action.

2. Bountiful Baby filed its complaint in this action on May 11, 2023, alleging that sales of a product (“the accused product”) sold by Defendant Ke Yi Ke Er Shenzhen Toys Co., Ltd. dba Miaio Toys (“Miaio Toys”) constituted infringement of Bountiful Baby’s copyrights.

3. As evidenced by the declaration of service in this case ([Dkt. 8](#)), Bountiful Baby served the complaint on Miaio Toys on September 19, 2023 via email and on September 25, 2023 via FedEx.

4. On October 11, 2023, at 9:30am MDT, I had a telephone conference with Ms. Grace Gong, Managing Attorney of the ShinyRise law firm, who identified herself as counsel for Miaio Toys. Ms. Gong told me that Miaio Toys has sold 61 copies of the accused product to customers in the United States.

5. Attached hereto as Exhibit 1 is a true and correct copy of an article published by the Salt Lake Tribune at <https://www.sltrib.com/news/politics/2019/08/20/amazon-makes-official/> entitled “Amazon makes official announcement about its new West Jordan warehouse,” dated August 19, 2019 and retrieved on November 20, 2023.

6. Attached hereto as Exhibit 2 is a true and correct copy of an article published by Deseret News at <https://www.deseret.com/utah/2020/9/14/21436396/new-high-tech-amazon-facility-to-boost-companys-utah-workforce-to-5000> entitled “New high-tech Amazon facility to boost company’s Utah workforce to 5,000,” dated September 14, 2020 and retrieved on November 20, 2023.

7. Attached hereto as Exhibit 3 is a true and correct copy of an article published by the Governor’s Office of Economic Opportunity at <https://business.utah.gov/where-are-they-now/amazon-supporting-employees-customers-and-communities/> entitled “Amazon: Supporting

Employees, Customers, and Communities,” dated April 15, 2021 and retrieved on November 20, 2023.

8. Attached hereto as Exhibit 4 is a true and correct copy of an article published by KUTV at <https://kutv.com/news/eye-on-utah/gallery/amazon-prime-day-2022-july-12-13-discounts-online-shopping-behind-the-scenes-same-day-shipping-facility-salt-lake-city-layton-orem-tooele-park-city-utah-inflation> entitled “Behind the scenes: Amazon's same-day shipping facility in Utah preps for Prime Day 2022,” dated July 11, 2022 and retrieved on November 20, 2023.

9. Attached hereto as Exhibit 5 is a true and correct copy of an article published by the Salt Lake Tribune at <https://www.sltrib.com/news/2022/07/12/which-utah-tech-companies-have/> entitled “Which Utah tech companies have the most employees?,” dated July 13, 2022 and retrieved on November 20, 2023.

10. Attached hereto as Exhibit 6 is a true and correct copy of an article published by KSL at <https://www.ksl.com/article/50535604/after-rapid-pandemic-expansion-amazon-delays-opening-new-weber-county-warehouse> entitled “After rapid pandemic expansion, Amazon delays opening new Weber County warehouse,” dated December 11, 2022 and retrieved on November 20, 2023.

11. Attached hereto as Exhibit 7 is a true and correct copy of an article published by Utah Stories at <https://utahstories.com/2022/12/is-subsidizing-amazon-good-for-utah/> entitled “Is Subsidizing Amazon Good for Utah?,” dated December 13, 2022 and retrieved on November 20, 2023.

12. Attached hereto as Exhibit 8 is a true and correct copy of a page of Amazon's website at <https://amazontours.com/na/onsite/SLC1>, retrieved on November 20, 2023.
13. Attached hereto as Exhibit 9 is a true and correct copy of the results of a search at www.google.com/maps for "amazon facilities in Utah," retrieved on November 20, 2023.
14. Attached as Exhibit 10 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023 showing that Amazon.com Services LLC is registered to do business and has a registered agent in Utah.
15. Attached as Exhibit 11 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023 showing that Amazon.com Sales, Inc. is registered to do business and has a registered agent in Utah.
16. Attached hereto as Exhibit 12 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023 showing that Amazon Data Services, Inc. is registered to do business and has a registered agent in Utah.
17. Attached hereto as Exhibit 13 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023 showing that Amazon Development Center U.S., Inc. is registered to do business and has a registered agent in Utah.
18. Attached hereto as Exhibit 14 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023, showing that Amazon Kuiper Commercial Services LLC is registered to do business and has a registered agent in Utah.
19. Attached hereto as Exhibit 15 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023, showing that Amazon Kuiper Infrastructure LLC is registered to do business and has a registered agent in Utah.

20. Attached hereto as Exhibit 16 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023, showing that Amazon Kuiper Manufacturing Enterprises LLC is registered to do business and has a registered agent in Utah.

21. Attached hereto as Exhibit 17 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023, showing that Amazon Logistics, Inc. is registered to do business and has a registered agent in Utah.

22. Attached hereto as Exhibit 18 is a true and correct copy of information retrieved from the Utah.gov website on November 20, 2023, showing that Amazon Payments, Inc. is registered to do business and has a registered agent in Utah.

23. Attached hereto as Exhibit 19 is a true and correct copy of Exhibit 21.1 (entitled “Amazon.com, Inc. List of Significant Subsidiaries”) from the 2022 annual report of Amazon.com, Inc. (dated February 3, 2023), retrieved from Amazon’s Investor Relations page at <https://ir.aboutamazon.com/sec-filings/default.aspx> on November 20, 2023. One of those subsidiaries is Amazon.com Services LLC.

24. Attached hereto as Exhibit 20 is a true and correct copy of a list of entities included in Amazon.com, Inc.’s Data Privacy Framework Certification, retrieved from <https://www.amazon.com/gp/help/customer/display.html?nodeId=202137190> on November 20, 2023. One of the entities on that list is Amazon.com Services LLC.

25. Attached hereto as Exhibit 21 is a true and correct copy of the Amazon Services Business Solutions Agreement retrieved from <https://sellercentral.amazon.com/help/hub/reference/G1791> on November 20, 2023. Page 15 of

the Agreement shows that a seller selling on Amazon.com contracts with Amazon.com Services LLC.

26. Attached hereto as Exhibit 22 is a true and correct copy of the webpage at <https://sell.amazon.com/global-selling>, retrieved on November 22, 2023.

27. Attached hereto as Exhibit 23 is a true and correct copy of the webpage at [https://en.wikipedia.org/wiki/Amazon_\(company\)](https://en.wikipedia.org/wiki/Amazon_(company)), retrieved on November 22, 2023.

28. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 28th day of November, 2023.

/s/ Brian N. Platt